

REMARKS

Summary of the Office Action

The Office Action alleges that the Information Disclosure Statement filed on July 16, 2005 fails to comply with 37 CFR 1.98(a)(2).

The drawings are objected to because Figure 1 should allegedly be designated by a legend such as --Prior Art--.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ochiai et al. (U.S. Patent Application Publication No. 2002/168050) (hereinafter "Ochiai").

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai as applied to claim 1 above, and further in view of U.S. Patent No. 6,860,092 to Collida et al. (hereinafter "Collida").

Summary of the Response to the Office Action

Applicants submit a courtesy copy of the Information Disclosure Materials originally filed on July 16, 2004.

Also, Applicants have amended claims 1 and 2 and added new claims 3-8 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-8 are currently pending for consideration.

Information Disclosure Statement Issues

The Office Action alleges that the Information Disclosure Statement filed on July 16, 2004 "fails to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each cited foreign

patent document...” The Examiner returned the PTO Form 1449 that was originally filed with this Information Disclosure Statement on July 16, 2004. However, the first three listed documents in the “Foreign Patent Documents” portion of the form have been crossed out and not initialed by the Examiner.

Applicants respectfully submit that all of the non-U.S. documents listed on the PTO Form 1449 were attached to the Information Disclosure Statement, as filed on July 16, 2004. In addition, at least the first page of corresponding U.S. documents were attached to those non-U.S. documents in order to bring the correspondence to the Examiner’s attention in light of the fact that the non-U.S. documents were in a language other than English. This correspondence was also indicated on the concurrently-filed PTO Form 1449.

It is possible that the Examiner’s file copy does not include the non-U.S. documents, in light of the indication of the Examiner’s comments at page 2 of the Office Action and the Examiner-initialed PTO Form 1449 attached to the Office Action. Accordingly, for the convenience of the Examiner, a courtesy copy is attached that includes: the Information Disclosure Statement, PTO Form 1449, and the attachments, as originally filed on July 16, 2004 in this application. A copy of the postcard dated July 16, 2004 stamped received by the USPTO on that date, indicating receipt by the USPTO of these materials, including the attached documents, is also included with the concurrently-filed courtesy copy. It is respectfully requested that the Examiner return the attached PTO Form 1449 with the Examiner’s initials placed next to all listed documents to indicate that they have all been considered.

Objections to the Drawings

The drawings are objected to because Fig. 1 should allegedly be designed by a legend such as “Prior Art”. The Office Action alleges that this “Prior Art” designation should be added because “only that which is old is illustrated.” Applicants respectfully traverse this assertion because, after careful study of Fig. 1 and the allegations made by the Office Action in this regard, Applicants respectfully submit that Fig. 1 includes at least some subject matter that is not Prior Art to the instant application. In particular, Applicants note that while the direct fixing of an upper shield plate B7 and an insulating block B1 with a securing screw B10 is Prior Art; other subject matter shown in Fig. 1 is not Prior Art, such as the sandwich structure in which the insulating block B1 is sandwiched by the upper shield plate B7 and a lower shield plate B8.

There is no concession in the specification that all of the subject matter of Fig. 1 qualifies as Prior Art against the instant application, as the Office Action appears to imply. Instead, the specification merely refers to Fig. 1 as “related” art. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ochiai. Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai as applied to claim 1 above, and further in view of Collida. Applicants have amended claims 1 and 2 to differently describe embodiments of the disclosure of the instant application. To the extent that this rejection might be deemed to apply to the claims as newly-amended, it is respectfully traversed for at least the following reasons.

Embodiments of the disclosure of the instant application, and as described in newly-amended independent claim 1, for example, includes an X-ray source combination that includes first and second planar members provided in such a way that they hold an “insulating block in place by sandwiching the insulating block there between at its first and second sides without providing any fastening member in the insulating block.” In other words, Applicants respectfully submit that the insulating block is sandwiched between the first and second planar members to be held by them.

Applicants respectfully submit that such an arrangement differs from the related art, such as that shown in Fig. 1 of the instant application, at least in light of the added feature of independent claim 1 of “without providing any fastening member in the insulating block.”

On the contrary, Applicants respectfully submit that while Ochiai discloses that an insulating block 14a is accommodated in a case which is constructed by a barrel 40 and the lid 40b, there is no teaching or suggestion in Ochiai that the insulating block is sandwiched between the two planar members so that it is held there between.

Further, Applicants respectfully submit that while the related art of Fig. 1 of the instant application may disclose a sandwich structure, the X-ray source shown in Fig. 1 includes a fastening member (B11) provided in the insulating block.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that neither the applied Ochiai reference, or the related art arrangement shown in Fig. 1 of the instant application, teach or suggest the features of the combination recited in newly-amended independent claim 1.

Accordingly, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b)) should be withdrawn because Ochiai does not teach or suggest each feature of independent claim 1, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." As a result, Applicants also respectfully assert that dependent claim 2 is allowable at least because of its dependence from claim 1 and the reasons set forth above. Applicants respectfully submits that the additionally applied reference to Collida, with respect to claim 2, does not cure the deficiencies discussed above with regard to Ochiai. Accordingly, the rejection of claim 2 under 35 U.S.C. § 103(a) should also be withdrawn.

Newly-Added Claims

Applicants have added new claims 3-8 to differently describe embodiments of the disclosure of the instant application. Applicants respectfully submit that these new claims are allowable for similar reasons as discussed above with regard to independent claim 1.

In addition, with regard to the combination recited in newly-added independent claim 3, an additional feature is described in that the first and second planar members are fastened to each other via one or more spacer members (5, for example in Fig. 2) provided separately from the insulating block.

Applicants respectfully submit that none of the cited references discloses or suggests the utilization of such a spacer member within an X-ray source combination for fastening first and second planar members together and thus holding the insulating block in place.

Applicants respectfully submit that the feature described in newly-added claim 7 is supported, for example, by the description at page 7 line 20-26 of the specification of the instant application.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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